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11 **IN THE UNITED STATES DISTRICT COURT**  
12 **FOR THE DISTRICT OF ARIZONA**

13 United States of America,

14 Case No. 2:19-cr-00898-DLR

15 Plaintiff,

16 vs.

17 David Allen Harbour,

18 **NOTICE OF APPEAL**

19 Defendant.

20 Pursuant to 18 U.S.C. §1291 and §3742, Defendant David L. Harbour respectfully  
21 appeals to the 9<sup>th</sup> Circuit Court of Appeals from the Judgment entered and from the  
22 sentence imposed by the Court on January 30, 2024, with the exception that Defendant  
23 does not appeal from the Judgment for Count 24 of the Second Superseding Indictment,  
24 to which Defendant pleaded guilty pursuant to a Plea Agreement that has been accepted  
25 by the Court.

26 Defendant's appeal is with respect and pertaining to convictions for all the Counts  
27 of the Second Superseding Indictment, of which the Jury found Defendant guilty, namely  
28 Counts 1, 2, 6, 7, 13, 14, 15, 16, 17, 18, 19, and 20, omitting the Counts of which the Jury  
found the Defendant guilty but upon which the Court acquitted Defendant based upon  
post-trial Motions, namely Counts 3, 21, 22, and 23.

Defendant also appeals to the 9<sup>th</sup> Circuit Court of Appeals from the Forfeiture Order entered as against Defendant David L. Harbour.

Defendant plans to further appeal from the Order of Restitution that it anticipates the Court will enter following the Restitution Hearing scheduled for March 29, 2024. Finally, a Motion to Proceed in the Appeal *in Forma Pauperis* has been filed. Counsel undersigned had not been retained to represent Defendant on Appeal. Defendant is indigent and appellate counsel must be appointed.

RESPECTFULLY SUBMITTED this 7<sup>th</sup> day of February 2024.

## CHRISTIAN DICHTER & SLUGA, P.C.

By: /s/ Stephen M. Dichter

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 7, 2024 I electronically transmitted the attached document to the Clerk's Office using the CM/ECF system for filing and for transmittal of Notice of Electronic Filing to the following CM/ECF registrants:

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/s/ Yvonne Canez